



#5/5K  
10-27-03  
PATENT  
Case No. 0246-0002  
(Formerly 246P002)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of )  
)  
David H. Schmidt ) Group Art Unit: 3764  
)  
Serial No. 09/977,123 ) Examiner: Stephen R. Crow  
)  
Filed: 10/12/2001 )  
)  
For: SPEED-CONTROLLED )  
EXERCISE METHOD AND )  
APPARATUS )

**Response To Restriction Requirement and Election of Species**

To: MAIL STOP NON-FEE AMENDMENT  
COMMISSIONER FOR PATENTS  
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Sir:

This is in response to the restriction requirement set forth in the Office Action mailed  
September 23, 2003.

**Requirement for Restriction and Election of Species**

The restriction requirement, as set forth in the Office Action, states that the application contains claims directed to the patentability distinct species of Figure 1; Figures 5, 5a, 6-9; and Figures 11-12. Furthermore, the Office Action states three different speed control mechanisms,

Serial No. 09/977,123

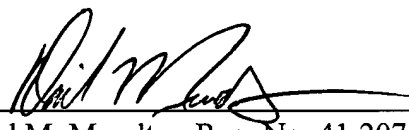
namely: Figure 2, Figure 3, and Figure 4.

Applicant hereby elects with traverse, the species of Figures 5, 5a, 6-9 and the speed control mechanism of Figure 2. The claims considered readable upon such election include claims 8, 10, 12, 14-19 and 21-23.

Respectfully Submitted,

**Cook, Alex, McFarron.**  
**Manzo, Cummings & Mehler, Ltd.**

By:

  
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October 17, 2003



10-20-03

3764

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/977,123	
	Filing Date	10/12/2001	
	First Named Inventor	SCHMIDT, DAVID H.	
	Art Unit	3764	
	Examiner Name	CROW, STEPHEN R.	
Total Number of Pages in This Submission	3	Attorney Docket Number	0246-0002

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Election of Species Acknowledgement Post.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David M. Mundt Cook, Alex, McFarron, Manzo, Cummings & Mehler
Signature	
Date	October 17, 2003

CERTIFICATE OF TRANSMISSION/MAILING			
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Typed or printed name	Kim Canchola		
Signature		Date	10/17/2003

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